

In re:

The Roman Catholic Diocese of
Ogdensburg, New York,

Debtor.

Case No. 23-60507 (PGR)

Chapter 11

**APPLICATION FOR ENTRY OF AN ORDER REDUCING
TIME FOR NOTICE OF MOTION TO EXTEND
EXCLUSIVE PERIODS PURSUANT TO 11 U.S.C. § 1121(d)**

BACKGROUND

¹ Capitalized terms used, but not defined herein, shall have the meanings ascribed to them in the Motion.

York (the “Court”), commencing the Diocese’s chapter 11 case (this “Chapter 11 Case”). The Diocese continues to operate its business and manage its properties as a debtor in possession pursuant to sections 1107(a) and 1108 of the Bankruptcy Code. No request for a trustee or examiner has been made in this Chapter 11 Case.

2. On August 11, 2023, the United States Trustee appointed an Official Committee of Unsecured Creditors (the “Committee”). As of the date of this filing, no request for a trustee or examiner has been made in this Chapter 11 Case, and no other official committees have been appointed or designated.

3. Information regarding the Diocese’s history, business operations and structure, and the events leading up to this Chapter 11 Case is set forth in the *Declaration of Rev. Kevin O’Brien Regarding Structure and Pre-Filing History of the Diocese and in Support of the Chapter 11 Petition and First Day Pleadings* [Docket No. 7], and the *Declaration of Mark Mashaw Regarding the Diocese’s Assets and Operations and in Support of the Chapter 11 Petition and First Day Pleadings* [Docket No. 6], and incorporated herein by reference.

APPLICATION

4. On October 25, 2023, the Diocese filed the Motion seeking to extend the Diocese’s exclusive period to file a chapter 11 plan and to solicit acceptance of such plan (the “Exclusive Periods”) from November 14, 2023 and January 13, 2024, respectively, to February 12, 2024 and April 12, 2024, respectively.

5. The Diocese makes this Application pursuant to Rule 9006 of the Federal Rules of Bankruptcy Procedure and Local Rule 9013-5 for entry of an order reducing the time for the notice of hearing to consider the relief requested in the Motion.

6. Local Rule 9013-1(e) requires that motions be served 21 days prior to the hearing date, and Bankruptcy Rule 9006(c)(1) further provides that “when an act is required or allowed to be done at or within a specified time by these rules or by a notice given thereunder or by order of court, the court for cause shown may in its discretion with or without motion or notice order the period reduced.”

7. The Court’s next available motion calendar date that the Motion could be heard without shortening the 21-day notice period is December 5, 2023. However, the Diocese respectfully submits that setting a hearing on the Motion for November 7, 2023 would allow for a sufficient notice period under the circumstances and that an expedited hearing would facilitate progress and greater efficiencies for the Diocese’s Chapter 11 Case.

8. The Diocese currently has additional motions pending on November 7, 2023 and the Diocese does not believe that there will be substantial opposition to the relief requested in the Motion at this early state in the Diocese’s Chapter 11 Case. Therefore, the Diocese respectfully submits that the consideration of the Motion at the November 7, 2023 hearing would allow the parties in interest sufficient time to review the relief requested and consolidate consideration of the Motion with a previously scheduled hearing.

9. Additionally, as the Court is aware, the Diocese’s Motion for Entry of an Order Referring Certain Matters to Mediation [Docket No. 44] (the “Mediation Motion”), was granted on consent. However, the parties were not able to agree on a form of order granting the Mediation Motion, and accordingly, various forms of proposed orders were submitted to the Court for approval.

10. The Diocese anticipates once the order approving the Mediation Motion entered, the parties will immediately begin informal discussions regarding the commencement of

mediation with formal in-person mediation sessions potentially beginning in as little as 60 days thereafter. The Diocese respectfully submits that the Exclusive Periods are critical to the success of the mediation, particularly in the early stages. *See In re Ames Dep't Stores, Inc.*, 1991 WL 259036, at *3 (S.D.N.Y. Nov. 25, 1991) (“The purpose of the Bankruptcy Code’s exclusivity period is to allow the debtor the flexibility to negotiate with its creditors.”).

11. If its request to extend the Exclusive Periods remains pending and unresolved prior to the commencement of mediation, the Diocese believes that the lack of Exclusive Periods could serve as a distraction and may prevent the parties from fully devoting themselves to pursuing constructive negotiations toward a consensual chapter 11 plan during mediation.

12. Accordingly, the Diocese respectfully requests the Court schedule an expedited hearing concerning the Motion on November 7, 2023. The Diocese respectfully submits that cause exists for reducing the notice period required for the hearing to consider the relief requested in the Motion and scheduling a hearing on the Motion for 1:00 p.m. (prevailing Eastern Time) on November 7, 2023, in Utica, New York (the “Hearing”).

13. The Diocese further respectfully submits that an order reducing the time for notice of the Hearing will not prejudice any party in interest, and will benefit the Diocese and its estate by addressing any uncertainty regarding the Exclusive Periods before mediation thereby eliminating a potential distraction and increasing the likelihood that all parties will engage in mediation focused solely on achieving a mutually acceptable global resolution of this Chapter 11 Case.

NOTICE

14. No later than 5:00 p.m. (prevailing Eastern Time) on the date any order granting this Application to shorten time may be entered, the Diocese shall cause a copy of such order,

together with notice of the Motion and the date and time of the Hearing to be served upon (i) the Office of the United States Trustee for the Northern District of New York, 10 Broad Street, Room 105, Utica, NY 13501. Attn: Erin Champion, (ii) counsel to the Official Committee of Unsecured Creditors, Pachulski Stang Ziehl & Jones LLP, 780 Third Avenue, 34th Floor, New York, NY 10017, Attn: Ilan D. Scharf, and (iii) those persons who have formally appeared and requested service in this case pursuant to Rule 2002 of the Federal Rules of Bankruptcy Procedure.

WHEREFORE, the Diocese respectfully requests that this Court enter an order (a) scheduling the Hearing for 1:00 p.m. (prevailing Eastern Time) on November 7, 2023 in Utica, New York, (b) reducing the notice period required for the Hearing, and (c) granting such other and further relief as the Court may deem just and proper.

Dated: October 25, 2023

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